

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BENJAMIN AARON BREWER

: CIVIL ACTION

v.

:

:

:

TIMOTHEY MAYER

:

NO. 16-5807

FILED

NOV 16 2016

LUCY V. CHIN, Interim Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 16th day of November, 2016, upon consideration of plaintiff's motion to proceed *in forma pauperis* and his *pro se* complaint, it is ORDERED that:

1. Leave to proceed *in forma pauperis* is GRANTED.
2. The complaint is DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. Plaintiff's claims are dismissed with prejudice with the exception of his claims that are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), which are dismissed without prejudice to reassertion in the event plaintiff's underlying convictions are overturned, invalidated, or otherwise called into question.
3. The Clerk of Court shall CLOSE this case.

BY THE COURT:



LAWRENCE F. STENGEL, J.